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PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997

Unforeseen and extraordinary expenses

Report of the Secretary-General

SUMMARY

The Charter of the United Nations vests in the General Assembly the authority to approve the United Nations budgets. The Assembly's biennial resolution on unforeseen and extraordinary expenses makes provision for the Secretary-General, under certain conditions, to enter into commitments for activities of an urgent nature without reverting to the General Assembly for approval of the required resources.

The present report addresses the need to respond to the increased financial commitments of the Organization in relation to the activities in the area of preventive diplomacy, peacemaking and post-conflict peace-building. It also discusses the problems of the time-lag between decisions of the Security Council on peace-keeping operations and the granting of the commitment authority by the Advisory Committee on Administrative and Budgetary Questions to the Secretary-General to enter into commitments prior to approval by the General Assembly of the peace-keeping budgets.

In the present report, the Secretary-General reviews and clarifies the use of the General Assembly resolution on unforeseen and extraordinary expenses and recommends that the Secretary-General's own authority be increased to $7 million for activities related to peace and security so as to avoid situations whereby the Secretary-General is prevented from taking prompt action because of financial constraints. It is also recommended that the Secretary-General be granted authority to incur expenditures up to $3 million without the prior concurrence of the Advisory Committee for the immediate requirements of the start-up phase of peace-keeping operations or for unforeseen extensions of mandates by the Security Council.

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I. INTRODUCTION

1. In the light of the increase in demand for the Secretary-General's good offices and peacemaking capacity, as well as the expansion of peace-keeping operations, the level of commitment authority granted to the Secretary-General to incur expenditures, as authorized in the General Assembly resolution on unforeseen and extraordinary expenses, has increased on a number of occasions (see annex I). The resolution on unforeseen and extraordinary expenses is intended to enable the Secretary-General to incur expenditures of an urgent nature, under certain conditions, without reverting to the Assembly on the matter. The most recent one, Assembly resolution 48/229, is reproduced in annex II.

2. In the present report, the Secretary-General reviews the application of the procedures related to that resolution and proposes modifications in an effort to avoid situations whereby the Secretary-General is prevented from taking prompt action because of financial constraints that the resolution was intended to avoid.

II. CURRENT PROCEDURES

3. The current procedures for meeting expenses to implement unforeseen activities are summarized below. Unforeseen activities may be classified in five categories: (a) upon certification by the Secretary-General that the activities, to be undertaken at his own initiative, relate to peace and security; (b) for implementation of decisions of the Security Council for activities related to peace and security other than peace-keeping; (c) for implementation of immediate requirements of the start-up activities for a peace-keeping operation established by the Security Council; (d) unforeseen activities not related to peace and security; and (e) unforeseen activities approved by the General Assembly. Table 1 illustrates the various uses of the resolution on unforeseen and extraordinary expenses. As indicated in that table, the Secretary-General's own authority (shaded areas), up to a total of $5 million per year, is currently utilized for (a), (b) and (c). Actual requirements in respect of activities relating to the maintenance of peace and security are reported to the General Assembly in the context of the annual performance reports on the biennial programme budgets.

A. Unforeseen activities upon certification that they relate to peace and security

4. The Secretary-General is authorized to enter into commitments, without the prior concurrence of the Advisory Committee, of up to $5 million per year for activities certified by him as relating to the maintenance of peace and security, in accordance with paragraph 1 (a) of the resolution on unforeseen and extraordinary expenses. Such activities, occurring on an ad hoc basis throughout the year, are primarily based on the Secretary-General's own initiatives. This commitment authority has been used principally for the appointment of special envoys for peacemaking activities, fact-finding and

advisory missions (e.g. in 1994-1995 to Chad, Georgia, Guyana/Venezuela, the former Yugoslav Republic of Macedonia, Mali, Sierra Leone and Yemen; political offices for El Salvador and Somalia). The Secretary-General informs the Security Council of the appointment of such envoys and missions.

B. Decisions by the Security Council regarding activities related to peace and security, other than peace-keeping

5. When the Security Council decides on activities related to peace and security, other than peace-keeping (e.g. International Tribunal for the Prosecution of Persons responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations committed in the Territory of Neighbouring States, Commission of Inquiry in Burundi), the Secretary-General seeks the concurrence of the Advisory Committee, under paragraph 3 of the resolution on unforeseen and extraordinary expenses, to enter into commitments for start-up activities prior to the preparation and submission of a budget for approval by the General Assembly. The Advisory Committee, on a case-by-case basis, can concur in the Secretary-General's request to enter into commitments of up to $10 million per Council decision. If, however, the nature of the start-up requirements of such activities is so urgent that the Secretary-General does not have the time to make a presentation and await the concurrence of the Advisory Committee (as was necessary for the dispatch of an advance team for the Rwanda Tribunal), the Secretary-General's own commitment authority, under paragraph 1 (a) of the resolution on unforeseen and extraordinary expenses, is exercised, provided the requirements can be met from the balance remaining of the $5 million per year.

C. Decisions by the Security Council for peace-keeping operations

6. Pursuant to General Assembly resolution 49/233, the Secretary-General may, with the prior concurrence of the Advisory Committee, enter into commitments of $50 million for each decision of the Security Council for the start-up and expansion requirements of a peace-keeping operation, pending the preparation of a full budget for review and approval of the budget by the General Assembly. This concurrence of the Advisory Committee is sought on the basis of preliminary cost estimates submitted by the Secretary-General. Given the level of detail required by the Advisory Committee, the process requires several weeks to complete, particularly when information has to be obtained from an established mission that is to be expanded.

7. In some cases, owing to the urgency of establishing the peace-keeping operation, advance teams of military observers or other personnel have been dispatched before the preliminary cost estimates are prepared and submitted to the Advisory Committee for its concurrence in the Secretary-General's request to enter into commitments for the start-up phase of the operation (e.g. United Nations Mission in Haiti (UNMIH), United Nations Mission of Observers in Tajikistan (UNMOT)). In such instances, the Secretary-General's authority to enter into commitments, under paragraph 1 (a) of the resolution on unforeseen and extraordinary expenses, without the prior concurrence of the Advisory

Committee must be invoked, subject to the ceiling of $5 million not having been reached.

8. When the Security Council takes a decision to continue, but not expand, a peace-keeping operation, as was the case for the United Nations Observer Mission in El Salvador (ONUSAL), for which authority to incur expenditures was not previously provided by the General Assembly, the Secretary-General may seek the concurrence of the Advisory Committee, under paragraph 3 of the resolution on unforeseen and extraordinary expenses, to enter into commitments of up to $10 million for each Council decision, prior to Assembly approval of a maintenance budget and subsequent appropriation.

D. Other activities not related to peace and security

9. In cases where unforeseen activities are not related to peace and security, the Secretary-General is authorized, with the prior concurrence of the Advisory Committee, in accordance with paragraph 1 of the resolution on unforeseen and extraordinary expenses, to enter into commitments for expenditures for which provision has not been included in the approved programme budget and for which the Secretary-General cannot await the approval of the Assembly. The request for concurrence of the Advisory Committee sets out the justification for incurring such expenditures (which have included those related to decisions of the Economic and Social Council) and for not deferring them to the following year. These requests have been few in number (see annex III).

E. Decisions by the General Assembly on unforeseen activities

10. In those cases when a Main Committee of the General Assembly adopts a resolution to implement unforeseen activities, a statement to the programme budget implications of that decision is presented by the Secretary-General if those activities cannot be met through existing resources. Since the Assembly at the same session can take a decision on the funding of those additional activities, the question of financial authority through other means normally does not arise (e.g. United Nations International Civilian Mission in Haiti (MICIVIH)).

Table 1

CURRENT PROCEDURES

USE OF GENERAL ASSEMBLY RESOLUTION 40/229 ON UNFORESEEN AND EXTRAORDINARY EXPENSES						Authority under General Assembly resolution 49/233
Proposal by	Peacemaking and other non-peace-keeping activities			Peace-keeping		
Secretary-General	**A a/** **Secretary-General's certification for peace and security - Unforeseen within $5 million per year (Secretary-General's own commitment authority)**					
Secretary-General b/	D Other activities - ACABQ's prior concurrence					
Security Council	**B a/** **Unforeseen within $5 million per year (Secretary-General's own commitment authority)**	ACABQ's prior concurrence up to $10 million per decision	General Assembly's approval over $10 million	[Continuation] ACABQ's prior concurrency up to $10 million per decision	**C a/** **[Immediate requirements of start-up phase] Unforeseen within $5 million per year (Secretary-General's own commitment authority)**	[Start-up or expansion] ACABQ's prior concurrence up to $50 million per decision (General Assembly resolution 49/233)

a/ Currently A + B + C must not exceed a total of $5 million per year.

b/ Including proposals on the basis of decisions of the Economic and Social Council prior to approval by the General Assembly.

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III. ISSUES FOR CONSIDERATION

A. Enhanced peacemaking activities of the Secretary-General

11. In the Supplement to an Agenda for Peace on the occasion of the Fiftieth Anniversary of the United Nations, 1/, the Secretary-General drew attention to practical problems in the area of preventive diplomacy and peacemaking, including those related to the establishment and financing of field missions for these purposes. There has been an increase over the years in the use of the Secretary-General's good offices, which involve the fielding of a more substantial group of mission staff than in the past, with greater local operating costs.

12. As noted in annex III, the commitments made with the Secretary-General's authority for activities related to peace and security have increased in the last few years. In 1994, the Secretary-General's own authority to incur expenditures for unforeseen activities related to peace and security amounted to $4.7 million by mid-November that year. In 1995, the ceiling of $5 million was reached in October. For the remainder of the year, it will be necessary for the Secretary-General to seek the concurrence of the Advisory Committee for commitment authority whenever additional unforeseen expenditures become necessary, no matter how immediate the activity may be.

B. Immediate requirements of the start-up phase of peace-keeping operations prior to concurrence by the Advisory Committee

13. Another issue that requires urgent action by the General Assembly is that of the immediate requirements of the start-up phase of new or expanded peace-keeping operations, when there is an immediate need to incur expenditures for emplacement of an advance team of observers or other personnel prior to the preparation of cost estimates for the Advisory Committee to authorize the Secretary-General to enter into commitments. Following the decision of the Security Council, it takes a few weeks to prepare the preliminary cost estimates on the basis of which to seek the concurrence of the Advisory Committee. While the Assembly, in its resolution 49/233, addressed the question of increased scope and level of peace-keeping operations and authorized the Secretary-General to enter into commitments for costs of start-up and expansion activities up to $50 million, with the prior concurrence of the Advisory Committee, the issue of immediate start-up activities that cannot await the concurrence of the Advisory Committee was not addressed. A way must be found to allow the Secretary-General to take urgent and prompt action while awaiting the appropriate financing authority.

14. The case of UNMOT serves to illustrate the question of the immediate requirements of the start-up phase. The Security Council, on 16 December 1994, decided to establish a United Nations peace-keeping mission of observers in Tajikistan (UNMOT). Prior to the preparation of the cost estimates for obtaining the concurrence of the Advisory Committee to enter into commitments for the start-up costs, the Secretary-General needed authority to incur expenditures amounting to approximately $3 million for the immediate

requirements of the start-up phase. However, the Secretary-General's own authority, under paragraph 1 (a) of the resolution on unforeseen and extraordinary expenses, could not be invoked for the remainder of 1994, since the amount of $4.7 million had already been committed by November.

15. Therefore, in accordance with General Assembly resolution 49/233, the Secretary-General prepared preliminary cost estimates for the Mission and submitted them to the Advisory Committee on 17 January 1995, requesting the concurrence of the Advisory Committee to enter into commitments for expenditures for the period from 16 December 1994 to 6 March 1995. The Advisory Committee decided on 3 February 1995 that, since considerable expenditures had already been incurred during the period from 16 December 1994 to 2 February 1995 ($1.8 million) through the emplacement of military observers, prior to its review of the cost estimates, those expenditures should be met from within the existing authority of the Secretary-General under paragraph 1 (a) of General Assembly resolution 48/229 on unforeseen and extraordinary expenses for 1995.

16. That decision created a dilemma since expenditures that were incurred by the Secretary-General's own authority under paragraph 1 (a) of the General Assembly resolutions on unforeseen and extraordinary expenses had, by February 1995, already amounted to $2.6 million. The need to resort to the Secretary-General's own commitment authority for activities related to a peace-keeping operation, namely $1.8 million for UNMOT, left the Secretary-General with just $600,000 short of the ceiling of $5 million authorized for the entire year. It was clear that, by applying the Secretary-General's own authority under paragraph 1 (a) of Assembly resolution 48/229 to immediate requirements of the start-up phase of a peace-keeping operation, the Secretary-General was left with reduced authority to meet unforeseen expenditures for good offices, preventive diplomacy and peacemaking, until those amounts were restored following approval by the General Assembly of the related peace-keeping budgets.

17. In the light of the above, the current procedures need to be revised so as to avoid situations whereby the Secretary-General is prevented from taking prompt action because of delays and/or financial constraints that the resolution on unforeseen and extraordinary expenses was intended to avoid. The Secretary-General must be able to respond, often with advance notice of only days or hours, to rapidly evolving situations and potential crises with minimum delay. The Secretary-General's authority to enter into commitments that he certifies relate to the maintenance of peace and security provides him with an essential measure of financial flexibility. It is noted that the Chairman of the Advisory Committee, during the review by the General Assembly at its resumed forty-ninth session of the UNMIH budget, recognized the difficulties related to delayed action resulting from the need to prepare preliminary cost estimates for seeking the concurrence of the Advisory Committee and indicated that a formal proposal should be submitted for the consideration of the Advisory Committee. 2/

IV. CONCLUSIONS AND RECOMMENDATIONS

18. As explained above the nature of the responsibilities and work of the Organization are such that expenditures, for which provision has not been made in the approved budget also arise when neither the General Assembly nor the Advisory Committee is in session. By adopting a resolution on unforeseen and extraordinary expenses, the General Assembly recognizes the urgency with which the Secretary-General is called upon to act and provides the Secretary-General with the financing authority to assume additional responsibilities that arise during the course of a year, the expenditures for which cannot wait for Assembly approval.

19. With the increased use of the Secretary-General's good offices and the expansion of activities in the area of preventive diplomacy and peacemaking, including, more recently, the establishment of political offices after completion of the peace-keeping operations, the Secretary-General's authority to incur expenditures for the maintenance of peace and security up to an amount of $5 million per year, without the prior concurrence of the Advisory Committee is proving to be inadequate. As mentioned above, the ceiling of $5 million for 1995 was reached in October. With regard to the immediate requirements of the start-up phase of peace-keeping operations, the urgency and speed with which the Secretary-General is required to act on decisions of the Security Council, without awaiting the concurrence of the Advisory Committee, make it necessary to increase the commitment authority of the Secretary-General.

20. In order to avoid situations whereby the Secretary-General is prevented from taking prompt action for peace and security owing to financial constraints, it is therefore proposed to increase the ceiling for unforeseen expenses related to the Secretary-General's peacemaking activities and also to establish a separate facility for unforeseen expenses related to the immediate requirements of the start-up phase of peace-keeping operations.

21. In the light of the above, the Secretary-General recommends that the General Assembly decide that the resolution on unforeseen and extraordinary expenses should in future reflect the following:

(a) The commitments in any one year of the biennium that the Secretary-General certifies relate to the maintenance of peace and security, under paragraph 1 (a) of the resolution, will be increased to $7 million;

(b) The Secretary-General will be authorized, without the prior concurrence of the Advisory Committee, to enter into commitments not exceeding $3 million in any one year for the immediate requirements of the start-up phase of peace-keeping operations in order to implement decisions of the Security Council.

22. The actual requirements in respect of activities of the Secretary-General relating to peace and security under the commitment authority up to $7 million in any one year would be reported to the Advisory Committee in the context of the annual budget performance report. The amounts to be authorized up to the ceiling of $3 million for the immediate requirements of the start-up phase of peace-keeping operations would revert to the relevant peace-keeping budgets when

the commitment authority is granted by the Advisory Committee or when approval is given by the General Assembly.

23. It is the intention of the Secretary-General to provide the Advisory Committee post facto with a quarterly report on the use of the Secretary-General's own commitment authority, in addition to the annual reporting on the resolution on unforeseen and extraordinary expenses to the General Assembly.

Notes

1/ A/50/60.

2/ A/C.5/49/SR.49.

Annex I

HISTORICAL BACKGROUND

1. The Charter of the United Nations vests in the General Assembly the authority to approve the United Nations budgets. The nature of the responsibilities and work of the Organization is such that expenditures for which provision has not been included in the approved budget also arise when the General Assembly is not in session. To be consistent with the Assembly's responsibility for financial matters, procedures were established for the proper authorization of such unforeseen and extraordinary expenses; this took the form of an annual, and later biennial, resolution adopted by the Assembly on unforeseen and extraordinary expenses. The latest one, General Assembly resolution 48/229, is reproduced in annex II.

2. Effective 1947, General Assembly resolution 68 (1) of 14 December 1946 authorized the Secretary-General, without the prior concurrence of the Advisory Committee, to enter into commitments of up to $2 million for certain specified categories of commitments, principally those that the Secretary-General certified as relating to the maintenance of peace and security. At that time, $2 million was equivalent to 7.1 per cent of one year's regular budget expenditures. Other categories for which the Secretary-General was authorized to enter into commitments have included commitments that the President of the International Court of Justice certified as relating to certain expenses arising from the activities of the Court. In addition, the General Assembly resolution authorized the Secretary-General, with the prior concurrence of the Advisory Committee, to enter into commitments to meet other unforeseen and extraordinary expenses.

3. In the absence of any other procedure, to meet the substantial expenses ($40 million) of the United Nations Operation in the Congo (ONUC), in response to Security Council resolution 143 (1960) of 14 July 1960, the Secretary-General obtained the concurrence of the Advisory Committee to enter into commitments pending financial action by the General Assembly at its fifteenth regular session (1960). This procedure prompted the Assembly at that session to request, in its resolution 1585 (XV), the Advisory Committee for a review of the terms of the annual resolution on unforeseen and extraordinary expenses.

4. On the basis of recommendations by the Advisory Committee in its report (A/4715), the General Assembly, at its resumed fifteenth session in 1961, decided upon a phased and controlled delegation of authority. The Assembly authorized the Secretary-General (a) to meet, without the prior concurrence of the Advisory Committee, the very first requirements within the $2 million authority (which had by then fallen to the equivalent of 2.1 per cent of one year's regular budget expenditure) and (b) to request, as a result of decisions of the Security Council, the concurrence of the Advisory Committee in commitments up to a total of $10 million without referring the matter to the Assembly at its next or special session. The General Assembly also decided that, if, as a result of a Council decision, commitments relating to the maintenance of peace and security should arise in an estimated total exceeding

$10 million, a special session of the Assembly should be convened by the Secretary-General to consider that matter.

5. In 1989, the Secretary-General recommended an increase in the levels of commitment authority granted to the Secretary-General and to the Advisory Committee, in the light of the expanding role of the Organization in peacemaking and peace-keeping. On the recommendation of the Advisory Committee, the General Assembly increased the commitment authority of the Secretary-General to $3 million (equivalent at that time to 0.3 per cent of one year's regular budget expenditure). At the same time, the General Assembly also decided to grant authority to the Advisory Committee to concur in the Secretary-General's request to incur expenditures up to an amount of $10 million for each decision of the Security Council. Beyond that, the matter would revert to the General Assembly for approval.

6. In 1993, in response to the proposal of the Secretary-General in his report on unforeseen and extraordinary expenses for the biennium 1994-1995 (A/C.5/48/52) to increase the limit for commitments in any one year of the biennium that he certifies relate to the maintenance of peace and security, the General Assembly decided to increase the Secretary-General's authority to $5 million, equivalent to 0.4 per cent of the regular budget for one year. Commitments entered into under provisions of resolutions on unforeseen and extraordinary expenses from 1988 to 1995 appear in annex III.

7. As regards the start-up costs of peace-keeping operations, the procedure to obtain up to $10 million for each peace-keeping operation, with the prior concurrence of the Advisory Committee, worked adequately when there were few operations with limited initial start-up requirements. With the growth in scope and complexity of peace-keeping operations (10 operations in 1990 and 18 in 1994 and 1995), the level of expenditures required for start-up costs or expanded activities in recent years had increased to such an extent that an increase in the commitment authority, without having to convene a special session of the General Assembly, became necessary. Accordingly, on the basis of a proposal by the Secretary-General, the Assembly decided in its resolution 49/233 that, if a decision of the Security Council relating to the start-up phase or expansion phase of peace-keeping operations resulted in the need for expenditure, the Secretary-General would be authorized, with the prior concurrence of the Advisory Committee, to enter into commitments not to exceed $50 million per decision of the Security Council; the cumulative total of outstanding commitment authority, in respect of the start-up or expansion phase of peace-keeping operations, should not at any one time, exceed $150 million.

Annex II

GENERAL ASSEMBLY RESOLUTION 48/229 ON UNFORESEEN AND EXTRAORDINARY EXPENSES FOR THE BIENNIUM 1994-1995

The General Assembly

1. Authorizes the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations and the provisions of paragraph 3 below, to enter into commitments in the biennium 1994-1995 to meet unforeseen and extraordinary expenses arising either during or subsequent to the biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:

(a) Such commitments, not exceeding a total of 5 million United States dollars in any one year of the biennium 1994-1995, as the Secretary-General certifies relate to the maintenance of peace and security;

(b) Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:

(i) The designation of ad hoc judges (Statute of the International Court of Justice, Article 31), not exceeding a total of 300,000 dollars;

(ii) The appointment of assessors (Statute, Article 30), or the calling of witnesses and the appointment of experts (Statute, Article 50), not exceeding a total of 50,000 dollars;

(iii) The maintenance in office for completion of the cases of judges who have not been re-elected (Statute, Article 13, paragraph 3), not exceeding a total of 40,000 dollars;

(iv) The payment of pensions and travel and removal expenses of retiring judges, and travel and removal expenses and installation grant of members of the Court (Statute, Article 32, paragraph 7), not exceeding a total of 180,000 dollars;

(v) The holding of sessions of the Court away from The Hague (Statute, Article 22), not exceeding a total of 30,000 dollars;

(c) Such commitments, in an amount not exceeding 500,000 dollars, in the biennium 1994-1995, as the Secretary-General certifies are required for interorganizational security measures pursuant to section IV of General Assembly resolution 36/235 of 18 December 1981;

2. Resolves that the Secretary-General shall report to the Advisory Committee on Administrative and Budgetary Questions and to the General Assembly at its forty-ninth and fiftieth sessions all commitments made under the provisions of the present resolution, together with the circumstances relating

thereto, and shall submit supplementary estimates to the Assembly in respect of such commitments;

3. Decides that, for the biennium 1994-1995, if a decision of the Security Council results in the need for the Secretary-General to enter into commitments relating to the maintenance of peace and security in an amount exceeding 10 million dollars in respect of the decision, that matter shall be brought to the General Assembly or, if the Assembly is suspended or not in session, a resumed or special session of the Assembly shall be convened by the Secretary-General to consider the matter.

87th plenary meeting
23 December 1993

Annex III

COMMITMENTS ENTERED INTO UNDER PROVISIONS OF RESOLUTIONS ON UNFORESEEN AND EXTRAORDINARY EXPENSES

(In thousands of United States dollars)

Year	Under authority of Secretary-General for peace and security (para. 1 (a))	Pursuant to decisions of the Security Council with prior concurrence of ACABQ for peace and security (para. 3) a/	With prior concurrence of ACABQ (other) (para. 1)
1995	5 000.0 b/	1 497.3 c/	
1994	4 739.8	-	-
1993	2 996.7	-	1 288.0 d/
1992	2 980.4	-	3 438.5 e/
1991	2 537.0	3 015.0 f/	19.7 g/
1990	1 565.2	1 347.4 h/	-
1989	1 835.8	-	317.0
1988	1 664.0	-	382.4

a/ Excludes those reversed to budget of peace-keeping operations once approved.

b/ As at October 1995.

c/ International Commission of Inquiry in Burundi ($1.1 million); International Commission of Inquiry in Rwanda ($397,300).

d/ Technical survey mission for MICIVIH ($1,000,000); Human Rights Office in Cambodia ($288,000).

e/ Repair of FDR Drive.

f/ Security Council resolution 598 (1987); Offices of the Secretary-General in Iran and Iraq.

g/ Preparatory Committee for the United Nations Conference on Environment and Development.

h/ Temporary deployment of military advisers in Afghanistan and Pakistan.

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Agenda item 116

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997

Revised estimates resulting from resolutions and decisions of the Economic and Social Council at its organizational and substantive sessions of 1995

Report of the Secretary-General

1. The present report deals with the additional requirements resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational and substantive sessions of 1995. In accordance with paragraph 3 of rule 31 of its rules of procedure, the Council was provided, where appropriate, with a statement of programme budget implications prior to the adoption of the resolutions and decisions.

I. SUMMARY OF ESTIMATED REQUIREMENTS

2. The total requirements cover both substantive and conference-servicing costs, as shown below:

	1996-1997 (United States dollars)
Substantive costs	619 000
Conference-servicing costs	3 004 500
Total	3 623 500

3. The substantive additional requirements by budget section and type of expenditure are as follows:

		Travel of representatives	Consultants	Expert group meetings	Total
Section 7A.	Department for Policy Coordination and Sustainable Development	408 800	-	-	408 800
Section 13.	Crime control	-	24 000	56 000	80 000
Section 21.	Human rights	130 200	-	-	130 200
	Total	539 000	24 000	56 000	619 000

Further details are provided in paragraphs 4 to 26 of the present report by resolution and relevant budget section. A review of alternatives in the event that these estimates were to exceed the balance available in the contingency fund is contained in paragraphs 27 to 30.

II. ANALYSIS OF REQUIREMENTS FOR INDIVIDUAL RESOLUTIONS AND DECISIONS

Resolution 1995/27. Implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention on Crime and the Treatment of Offenders

4. In paragraph 8 of section IV of resolution 1995/27 of 24 July 1995, the Council requested the Secretary-General to initiate a study on issues relating to firearms regulation, including, inter alia, gathering from Member States and intergovernmental and other organizations national data and information on (a) criminal cases, accidents and suicides in which firearms were involved; (b) the situation with regard to transnational illicit trafficking in firearms; (c) national legislation and regulations relevant to firearms; and (d) relevant initiatives for firearms at the regional and interregional levels. The Council further requested the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its fifth session proposals stemming from the above study on measures to regulate firearms.

5. The above activities would require specialized consultancy services for a period of three work-months in 1996 in order to prepare the study ($24,000) and an ad hoc expert group meeting to be held in 1996, which on the basis of the study would elaborate the recommendations to the Commission in the field of firearms regulation ($56,000).

6. Under the terms of paragraph 8 of section I of the same resolution, the Council decided to establish an open-ended intergovernmental working group within the framework of the Commission to meet during its fifth session to study the feasibility of the establishment of a regional centre, to be based at Cairo, for training and research in crime prevention and criminal justice for the

Mediterranean States. In paragraph 10 of section II of the resolution, the Council also decided to establish an open-ended intergovernmental working group, within the framework of the Commission, to consider at its fifth session measures for combating transnational organized crime, including the drafting of a code of conduct or other legal instrument. By paragraph 4 of section III of the resolution, the Council decided that the open-ended in-sessional working group on United Nations standards and norms in crime prevention and criminal justice would discuss during the fifth session of the Commission the establishment of efficient information-gathering mechanisms on prisons conditions. By paragraph 25 of section IV of the resolution, the Council decided that the open-ended in-sessional working group of the Commission, at its fifth session, would seek ways to develop and undertake practical activities aimed at promoting the effective use and application of United Nations standards and norms in juvenile justice, including training, research and advisory services.

7. The activities of the above-mentioned four thematic open-ended working groups of the Commission would entail conference-servicing requirements for interpretation and translation of documents relating to their meetings, which would be of one to three days duration each. These requirements would amount to $330,000.

Resolution 1995/39. Annual sessions of the Committee on Economic, Social and Cultural Rights

8. In its resolution 1995/39 of 25 July 1995, the Council, noting that the Committee on Economic, Social and Cultural Rights had consistently needed to hold two annual sessions in recent years in order to cope with its workload and that it continued to be faced with a backlog of reports to be considered, authorized the holding of two annual sessions by the Committee in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session.

9. A provision in the amount of $390,700 has been made under section 21 of the proposed programme budget for the biennium 1996-1997 1/ for the financing of the activities of the Committee of Economic, Social and Cultural Rights. This provision is equivalent to the 1994-1995 revised appropriation approved by the General Assembly to accommodate two regular annual sessions and the 1994 extraordinary session of the Committee authorized by the Economic and Social Council in its decision 1993/296 and related pre-sessional working group meetings. Travel and subsistence costs are paid for the 18 members of the Committee. The holding of one additional Committee's session and a pre-sessional working group in 1996-1997 would require additional funds in the amount of $130,200 under section 21 of the proposed programme budget for the biennium 1996-1997.

10. The conference services to be provided to the Committee's additional session would amount to $600,300 under section 26E of the proposed programme budget for the biennium 1996-1997. 1/ The conference services to be provided to

the pre-sessional working group amount on a full cost basis to $432,500. The total conference-servicing requirements under resolution 1995/39 would, thus, amount to $1,032,800.

Decision 1995/226. Establishment of an open-ended intergovernmental panel on forests

Decision 1995/235. Report of the Commission on Sustainable Development

Decision 1995/318. Future sessions of the open-ended Ad Hoc Intergovernmental Panel on Forests

11. In its decision 1995/226 of 1 June 1995, the Council decided, upon the recommendation of the Commission on Sustainable Development, to approve the establishment of an open-ended ad hoc intergovernmental panel on forests.

12. In its decision 1995/235 of 17 July 1995, the Council took note of the report of the Commission on Sustainable Development at its third session 2/ and endorsed the recommendations of the Commission contained in chapter I, sections A, E and F thereof.

13. In paragraph 204 of its report the Commission, inter alia, decided to establish an open-ended Ad Hoc Intergovernmental Panel on Forests, under its aegis. The mandate, modalities for its establishment and terms of reference of the Panel are contained in annex I to chapter I, section D.5, of the Commission's report.

14. On the basis of the review of the Panel's mandate, modalities and terms of reference as well as its indicative programme of work during the period 1995-1997, it had been understood that the Panel would have one session in 1995, two sessions in 1996 and one session in 1997. The substantive support to the Panel would be provided by the Department for Policy Coordination and Sustainable Development of the Secretariat and would be equivalent to 24 Professional and 24 General Service work-months per year (12 Professional and 12 General Service work-months in 1995), to be financed from extrabudgetary resources. The conference servicing would be provided in all official languages of the United Nations.

15. In its decision 1995/318, the Council approved the request of the open-ended Ad Hoc Intergovernmental Panel on Forests to extend the duration of its second session, to be held at Geneva in 1996, from one week to two weeks and also approved the request of the Panel that its third session be of two weeks duration and be held in 1996 at a venue to be determined.

16. In connection with the above activities the following should be noted. In its decision 1993/207 of 12 February 1993, the Council had recommended that the General Assembly make "the necessary provisions so that travel expenses for one of the representatives of each Member State elected to the Commission on Sustainable Development participating in a session of the Commission or its

subsidiary organs would be paid from the regular budget of the United Nations". The General Assembly made provision for the payment of travel expenses to representatives attending the two sessions of the Commission scheduled for 1993, in the context of the approval of revised appropriations for the biennium 1992-1993 as a result of the restructuring of the Secretariat. A similar provision has been made in the 1994-1995 programme budget and proposed in the 1996-1997 proposed programme budget for the activities of the Commission and its intersessional working groups. By virtue of its mandate, the Panel is a subsidiary body of the Commission.

17. It should also be noted that the Committee on Conferences, in considering the draft calendar of conferences and meetings of the United Nations for 1996-1997, as contained in its report to the General Assembly at its fiftieth session, 3/ recommended, inter alia, that the General Assembly approve the change of location for the second session of the Panel from New York, as the established headquarters of the Panel, to Geneva, and grant an exception to paragraph 4 of General Assembly resolution 40/243 of 18 December 1985.

18. With regard to the third session of the Panel in 1996 at a venue to be determined, the holding of that session away from New York, as the established headquarters of the body, would again require an exception to paragraph 4 of General Assembly resolution 40/243.

19. On the above basis, the costs of the activities of the Panel would be as follows:

	1995 $	1996-1997 $
Travel of members of the Commission to attend the Panel's meetings	132 500	408 800
Substantive support (extrabudgetary)	314 900	682 800
Conference-servicing requirements	320 600	998 700

20. The requirements for travel of the members of the Commission to attend the Panel's meeting held in September 1995 ($132,500) have been absorbed from within the overall 1994-1995 provision for travel of members of the Commission. The requirements for the biennium 1996-1997 ($408,800) represent additional requirements not provided for under section 7A of the proposed programme budget for the biennium 1996-1997. 1/ The substantive support to the activities of the Panel would be financed from voluntary contributions through the Trust Fund for Support of the Work of the Commission on Sustainable Development.

21. Under the terms of section V, paragraph 2 of annex I to chapter I, section D.5 of the report of the Commission, 2/ in the context of its approval of the mandate and the modalities for operation of the Panel, inter alia, expressed the view that operation of the Panel would require funding from extrabudgetary resources to support participation in its meetings of developing country representatives and major groups from developing countries.

22. In connection with the above it should be recalled that in the context of agenda item 115, Programme budget for the biennium 1994-1995, the General Assembly has before it at its current session reports of the Secretary-General on travel and relating expenses (A/C.5/47/61 and Corr.1 and A/C.5/48/14) which, inter alia, addressed the issue of arrangements for financing of participation of representatives of developing countries in meetings of the United Nations organs on which a decision of the General Assembly would be required. The issue of financing of participation of the developing countries representatives in the activities of the Panel could be considered and acted upon in the context of that general review of travel and relating expenses by the Fifth Committee at the current session of the General Assembly.

Decision 1995/302 A. Payment of honoraria to members of the Committee on Economic, Social and Cultural Rights

23. In its decision 1995/302 A of 25 July 1995, the Council, recalling its decision 1993/297 of 28 July 1993, in which it endorsed the recommendation of the Committee on Economic, Social and Cultural Rights that payment should be authorized to each member of the Committee of an honorarium equivalent to that payable to the members of other relevant treaty bodies, such as the Human Rights Committee, noted that no action had yet been taken on the matter by the General Assembly in response to that decision. In order to avoid continuing delays the Council urged the Assembly to give speedy attention to the matter.

24. It will be recalled in connection with the above decision that, by its decision 47/460 B of 6 May 1993, the General Assembly had deferred to its forty-eighth session the review of the whole question of honorariums payable to members of the organs and subsidiary organs of the United Nations. Since then the Assembly has not taken a decision on the issue. In the situation no request for an additional provision for payment of honorariums to the Committee members during the biennium 1996-1997 is made at this stage. Should the Assembly decide otherwise, a provision in the amount of $112,000 would be required for the purpose.

Decision 1995/304. General review of arrangements for consultations with non-governmental organizations

25. By its decision 1995/304 of 26 July 1995, the Council decided: (a) to extend the mandate of the Open-ended Working Group on the Review of Arrangements for Consultations with Non-Governmental Organizations for a period of one year, with a meeting time of not less than two weeks, and requested the Working Group to submit its final report to the Council at its substantive session of 1996 and (b) that, starting in 1996, the Committee on Non-Governmental Organizations should meet annually and, as required, on an ad hoc basis, should that be necessary for the prompt discharge of its duties.

26. The extension of the mandate of the Working Group and the annualization of work of the Committee on Non-Governmental Organizations would entail additional conference-servicing requirements for the biennium 1996-1997 in the amount of $643,000 estimated on full-cost basis.

III. CONCLUSIONS

27. In summary, the requests contained in the resolutions and decisions discussed above would give rise to additional substantive requirements for the biennium 1996-1997 totalling $619,000. These relate to the following sections of the proposed programme budget for the biennium 1996-1997:

Resolution/ decision	Title	Section 7A	Section 13	Section 21	Total
1995/27	Implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders	-	80 000	-	80 000
1995/39	Annual sessions of the Committee on Economic, Social and Cultural Rights	-	-	130 200	130 200
1995/235	Report of the Commission on Sustainable Development	408 800	-	-	408 800

28. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Further, each statement of programme budget implications and each proposal for revised estimates should contain alternatives to the financing from the contingency fund of the proposed new activities.

29. With regard to the additional requirements of $619,000 it was not possible to identify the activities within sections 7A, 13 and 21 that could be terminated, deferred, curtailed or modified during the biennium to finance the costs of the activities under that resolution.

30. With regard to conference-servicing requirements of $3,004,500 for the biennium 1996-1997, they have been estimated on a full cost basis. These requirements will be dealt with within the overall provisions for the conference-servicing of the United Nations meetings and conferences, reserved in the proposed programme budget. The actual conference-servicing costs of the meetings will be reported to the General Assembly in the context of the budget performance report for the biennium 1996-1997.

31. In summary, subject to the guidelines for use and operation of the contingency fund the additional appropriation for 1996-1997 is requested as follows:

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Section 7A.	Department for Policy Coordination and Sustainable Development	408 800
Section 13.	Crime control	80 000
Section 21.	Human rights	130 000
Total		619 000

Notes

1/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 6 (A/50/6/Rev.1), vol. I.

2/ Official Records of the Economic and Social Council, 1995, Supplement No. 12 (E/1995/32).

3/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 32 (A/50/32).